REMARKS

Claims 1-31 and 33-44 are pending bust stand rejected. Claims 8-23 and 31 have been amended. Claim 32 has been cancelled. In view of the following remarks, the Applicant respectfully requests that the Examiner thoughtfully reconsider and pass the application on to issuance.

SPECIFICATION OBJECTION: Paragraph [0031] of the Specification has been amended to address the Examiner's concerns.

CLAIM REJECTIONS – 35 USC §112: The Examiner rejected Claims 6, 28, 35, and 40 as failing to comply with the written description requirement set forth in the first paragraph of §112. In particular, the Examiner asserts that the specification does not provide a written description for generating a peripheral device driver.

The Applicant respectfully disagrees. A text search for the term "driver" revealed that paragraphs [0026], [0028] and [0049]-[0051] all discuss the a selected proxy that generates an object in the form of a driver. The paragraphs also mention that the driver is for a printer. A printer is a peripheral device. Thus the specification provides a written description for the subject matter of Claims 6, 28, 35, and 40.

In particular, the Examiner's attention is drawn to paragraph [0026] which states "As explained in further detail below, object generator 200 can be used to identify a best-match proxy configured to create an object, in the examples below, a driver that can be used to render data on a select printer." In other words, the peripheral or printer driver is the object created. Paragraphs [0049]-[0051] provide a more detailed explanation.

CLAIM REJECTIONS – 35 USC §101: The Examiner rejected Claims 24, 34, and 40 as being directed to non-statutory subject matter. Paragraph [0031] has been amended to address the Examiner's concerns.

CLAIM REJECTIONS – 35 USC §103: The Examiner rejected Claims 1-31 and 33-44 as being as unpatentable over USPN 7,181,382 issued to Shier in view of in view of USPN 6,477,520 issued to Malaviya.

Claim 1 is directed to a method for creating a best-match object at run time and recites the following:

1. receiving a request for an object;
2. polling object proxies for a confidence level representing the capability of each respective proxy to generate the requested object;
3. selecting one of the proxies based on the polled confidence level; and
4. directing the selected proxy to create the object.

The Examiner asserts that Shier, col. 15, lines 7-58 along with Figs 3A, 3B and 4 teach polling object proxies for a confidence level representing the capability of each respective proxy to generate the requested object. The Applicant respectfully disagrees.

As explained in paragraph [0018] and [0030], [0036], and [0043] of the Specification, each object proxy is capable of generating a particular object and each encapsulates information that describes what that particular object it is configured to create. When polled as to whether or not it can generate a requested object, each object proxy returns a confidence level. A given one of the object proxies is selected based on its response to the poll. The selected object proxy then generates the requested object.

The passage relied upon by the Examiner mentions nothing of polling object proxies – that is – polling a plurality of object proxies for any reason let alone for a

confidence level that each can generate a requested object. The passage relied upon by the Examiner describes a test application that generates of an object that facilitates the communication of instruction produced by the test application. Such an instruction may be an instruction that a particular key board key be actuated. Shier, col. 15, lines 4-16. Shier's test application is not an object proxy that is polled for a confidence level. The cited passage also describes a user mode framework that generates a proxy object. Shier, col. 15, lines 17-26. The user mode framework is not an object proxy that is polled for a confidence level. The remainder of the cited passage discusses communications with Shier's proxy object. Shier, col. 15, lines 27-58. While the test application and the user framework generate objects, those two components are not polled for a confidence level.

Consequently, Shier fails to teach or suggest polling object proxies for a confidence level representing the capability of each respective proxy to generate the requested object. Malaviya is silent on this matter. For at least these reasons, Claim 1 is patentable over the cited references as are Claims 2-7 which depend from Claim 1

Claim 8 recites a system that includes an object generator and a processor operable to execute the object generator. The object generator includes instructions that when executed by the processor function as:

1. means for receiving indicia of an object to be created;
2. means for identifying a select one of a plurality of object proxies responsive to a respective confidence level associated with each object proxy; and
3. means for directing the selected object proxy to create the object.

As discussed above Shier and Malaviya fail to teach or suggest polling object proxies for a confidence level representing the capability of each respective proxy to generate the requested object. For the same reasons, those references also fail to

teach or suggest means for identifying a select one of a plurality of object proxies responsive to a respective confidence level associated with each object proxy.

For at least these reasons, Claim 8 and Claims 9-13 which depend from Claim 8 are patentable over Shier and Malaviya.

Claim 14 recites a system that includes an object generator and a processor operable to execute the object generator. The object generator includes instructions that when executed by the processor function as:

1. an object factory configured to poll object proxies capable of producing respective objects responsive to system needs; and
2. a pool including the object proxies for producing the object, the pool configured to receive indicia of the object from the object factory and each of the plurality of object proxies configured to return a respective confidence level responsive to the indicia.

As discussed above Shier and Malaviya fail to teach or suggest polling object proxies for a confidence level representing the capability of each respective proxy to generate the requested object. For the same reasons, those references also fail to teach or suggest "a pool including the object proxies . . . each of the plurality of object proxies configured to return a respective confidence level responsive to the indicia."

For at least these reasons, Claim 14 and Claims 12-23 which depend from Claim 14 are patentable over Shier and Malaviya.

Claim 24 is directed to a computer readable medium that includes logic configured to implement the method of Claim 1. For at least the same reasons Claim 1 is patentable, so are Claim 24 and Claims 25-30 which depend from Claim 24.

Claim 31 recites a system that includes an object generator and a processor operable to execute the object generator. The object generator includes instructions that when executed by the processor function as:

1. an object factory configured to receive a device identifier;
2. a pool having an interface configured to communicate with the object factory, the pool containing object proxies capable of producing respective objects; and
3. an object store coupled to the pool and configured to receive and retain objects generated by selected object proxies;
4. wherein the object factory is configured to poll a plurality of object proxies for a confidence level representing the capability of the respective object proxy to generate an object suited for operating with a device responsive to the device identifier.

As discussed above Shier and Malaviya fail to teach or suggest polling object proxies for a confidence level representing the capability of each respective proxy to generate the requested object. For the same reasons, those references also fail to teach or suggest and object factory that is "configured to poll a plurality of object proxies for a confidence level representing the capability of the respective object proxy to generate an object suited for operating with a device responsive to the device identifier."

For at least these reasons, Claim 31 is patentable over Shier and Malaviya.

Claim 33 is directed to a method for creating a best-match object at run time and recites the following:

1. loading a set of object proxies;
2. receiving indicia of a desired object for communicating with a peripheral device;

3. directing each of the object proxies to forward a confidence level representing the capability of each respective proxy to generate the desired object responsive to the indicia;
4. receiving a confidence level associated with an object proxy;
5. comparing the confidence level to a maximum confidence level, when the confidence level matches the maximum confidence level, directing the associated object proxy to generate an object, otherwise, recording the confidence level; and
6. determining if the confidence level exceeds the confidence level associated with a previously recorded confidence level, when the confidence level exceeds a previously recorded confidence level, recording an object proxy identifier, otherwise, determining if there are additional object proxies in the set, when there are additional object proxies, repeating the receiving a confidence level, comparing, and determining if the confidence level exceeds steps, otherwise, using the object proxy identifier to direct the associated object proxy to generate an object.

As discussed above Shier and Malaviya fail to teach or suggest polling object proxies for a confidence level representing the capability of each respective proxy to generate the requested object. For the same reasons, those references also fail to teach or suggest a method that includes (a) directing each of the object proxies to forward a confidence level representing the capability of each respective proxy to generate the desired object responsive to the indicia and (b) receiving a confidence level associated with an object proxy.

For at least these reasons, Claim 33 is patentable over Shier and Malaviya.

Claim 34 is directed to a computer readable medium that includes logic configured to implement the method of Claim 33. For at least the same reasons Claim 33 is patentable, so is Claim 34.

Claim 35 is directed to a method for creating a best-match printer driver and recites the following:

1. receiving a request to use a printer;
2. polling printer driver proxies for a confidence level representing the capability of each respective printer driver proxy to generate a driver that when applied to data and forwarded to the printer will produce a useful representation of the data;
3. selecting one of the printer driver proxies based on the polled confidence level; and
4. directing the selected printer driver proxy to generate the driver.

As discussed above Shier and Malaviya fail to teach or suggest polling object proxies for a confidence level representing the capability of each respective proxy to generate the requested object. For the same reasons, those references also fail to teach or suggest a method that includes "polling printer driver proxies for a confidence level representing the capability of each respective printer driver proxy to generate a driver that when applied to data and forwarded to the printer will produce a useful representation of the data."

Furthermore, addressing Claim 35, the Examiner does not assert that Shier or Malaviya mentions anything related to printer drivers let alone directing the selected printer driver proxy to generate the driver or polling printer driver proxies for information of any kind.

For at least these reasons, Claim 35 and Claims 36-39 which depend from Claim 34 are patentable over Shier and Malaviya.

Claim 40 is directed to a computer readable medium that includes logic configured to implement the method of Claim 35. For at least the same reasons Claim 35 is patentable, so is Claim 40 and Claims 41-44 which depend from Claim 40..

CONCLUSION: The foregoing is believed to be a complete response to the outstanding Office Action. Claims 1-31 and 33-44 are all felt to be in condition for allowance. Consequently, early and favorable action allowing these claims and passing the application to issue is earnestly solicited. The foregoing is believed to be a complete response to the outstanding Office Action.

Respectfully submitted,
John L. Manuel

By _/Jack H. McKinney/__
Jack H. McKinney
Reg. No. 45,685

June 12, 2008